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C O N F I D E N T I A L SECTION 01 OF 03 BISHKEK 001137

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SUBJECT: KYRGYZ INSIDERS PROMISE "BIG EVENTS" THIS FALL:  
CONSTITUTIONAL REFERENDUM? PARLIAMENTARY ELECTIONS?

BISHKEK 00001137 001.2 OF 003

Classified By: Amb. Marie L. Yovanovitch, Reasons 1.4 (b) and (d).

¶1. (C) Summary: After a relatively quiet summer, with attention focused on the Shanghai Cooperation Organization summit in Bishkek and vacations at Lake Issyk Kul, presidential insiders are predicting "big events" for the fall. Constitutional reform, and the question whether to adopt the amendments proposed by Prime Minister Atambayev's committee in April, will be at the center of the debate. The Constitutional Court appears poised to toss out the current (December 2006) version of the constitution as having been improperly adopted, returning to the 2003 constitution and making the Atambayev amendments moot. Presidential insiders have suggested that President Bakiyev will then propose his own draft and hold a constitutional referendum, perhaps as early as October. Under this scenario, the parliament very likely would be dissolved, a new parliament elected according to party lists, and a new government formed by the new parliament. With the opposition relatively weak and divided, and a successful SCO summit under their belts, President Bakiyev and his advisors are clearly feeling confident and think they can push through changes that will close the debate on constitutional reform in a manner that favors Presidential power. Just how this will unfold -- and what reactions it will prompt -- is impossible to tell at this point, and, as in the past, the political scenario may not play out according to the administration's plan. End summary.

Constitutional Reform, Again

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¶2. (C) After a quiet summer politically, constitutional reform and the debate over balance of power have returned to the top of the agenda. In the past year, Kyrgyzstan has adopted two new versions of the constitution (the "November" and "December" 2006 constitutions), both of which were passed

by parliament and signed by the president, but were never reviewed by the Constitutional Court (as required by the constitution). In April 2007, as part of a political compromise with the opposition, a committee headed by Prime Minister Atambayev drafted amendments to the December constitution that would shift some powers away from the president and strengthen the role of the prime minister and the independence of the courts. On April 10, the Atambayev amendments were forwarded to the Constitutional Court; the Constitutional Court has up to six months to review the draft amendments (that is, by October 10). Separately, the Constitutional Court has agreed to review a petition challenging the legality of the adoption of the December constitution.

**¶13.** (C) We have heard from administration insiders (and there are now rumors in the press) that the Constitutional Court will revoke both the current (December) constitution as well as the November version because of procedural flaws in their adoption, perhaps as soon as September 14. This would return the country to the 2003 constitution, which gives greater authority to the president, including the right to dissolve the parliament. In addition, this would possibly make consideration of the Atambayev amendments moot, as they are amendments to the December version of the constitution.

Promises of "Big Events"

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**¶14.** (C) In late August, Presidential Chief of Staff Medet Sadyrkulov told the Ambassador that following the successful SCO summit and the summer vacation season, there would be "big events" in September. He said that President Bakiyev was committed to constitutional reform, but there had been serious flaws in the process of adopting the November and December constitutions, as well as in drafting Atambayev's

BISHKEK 00001137 002.2 OF 003

amendments. Sadyrkulov said that under the current constitution, the parliament had too much power over government ministers, which hindered them in doing their jobs. (Note: Under the current constitution, both the president and the parliament can act to dismiss individual ministers.) Sadyrkulov was confident that a new parliament, elected by party lists, would be a substantial improvement over the current body. Asked directly, he said it was "very possible" that parliament would be dissolved, but "not now."

**¶15.** (C) During a conversation with the Ambassador on September 11, Presidential foreign policy advisor Islan Ryskulov floated the idea of holding a constitutional referendum on a new draft, perhaps in December. On September 12, political analyst Valentin Bogatyrov (who remains close to the presidential administration) outlined a scenario in which the Constitutional Court would toss out the November and December versions and the Atambayev amendments on procedural grounds, thereby returning the country to the 2003 constitution. Bogatyrov told us that President Bakiyev, in his scheduled September 19 address to the country, was ready to introduce his own version and announce a constitutional referendum, perhaps set as early as October. He said that Bakiyev's version would provide for the election of parliament entirely by party list, and he thought elections might be as early as December. (Comment: Last week, Bakiyev's former press secretary, Klara Kabilova, was named acting chair of the

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Central Election Commission, and she is thought to enjoy the president's trust. End Comment.)

Atambayev's Future: Out Either Way?

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**¶16.** (C) When he put forward his committee's draft amendments in April, Atambayev said he would resign if constitutional reform was stymied and the amendments not adopted. According

to the transitional provisions included in his amendments, the government (including the prime minister) would have to resign as soon as the amendments are adopted, with the new prime minister chosen by secret ballot in parliament. On September 14, however, Atambayev seemed to acknowledge that his amendments might not be adopted. He told the press that "even if we go back to the 2003 constitution, it won't be for long; the president favors reforms." Atambayev told the Ambassador August 22 that he needed to stay on as prime minister to help stabilize the country. However, rumors are rife that he won't last long, and there is no shortage of potential successors. We've heard a number of individuals are being considered, including Sadyrkulov, Minister of Transportation Sulaimanov, Deputy Speaker Isabekov, and Minister of Energy Chudinov.

Analysts See Court Bowing to Politics

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¶ 7. (C) During a roundtable discussion at the Embassy on September 13, leading constitutional analysts agreed that the Constitutional Court would make its decision based more on political realities and personal interests, rather than on legal principles. They felt that the Atambayev amendments, if adopted, would mark a modest improvement over the December constitution (itself an improvement over the November constitution), at least as far as the balance of power within the government. However, they faulted the current constitution and Atambayev's proposed amendments for keeping a "double-headed and double-bodied" executive branch, with the president and his administration on one side, and the prime minister and his cabinet on the other.

Comment: Many a slip . . .

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¶ 8. (C) With the opposition relatively weak and divided, and

BISHKEK 00001137 003.2 OF 003

following the successful SCO summit, President Bakiyev and his administration are feeling confident. They appear to believe that they can push through constitutional changes via referendum that will end the two-year-long debate over "constitutional reform." In the past, however, the administration has overplayed its hand when operating from a position of strength. If the administration pushes too hard to consolidate presidential authority, it is likely to alienate Prime Minister Atambayev, galvanize the opposition, and even activate the "swamp in the middle" -- those parliamentary deputies that are only looking out for their own self interest. Deputy Speaker Alymbekov told us on September 4 that demonstrations and unrest are likely "if Bakiyev wants to repeat the Kazakh example." We think Alymbekov overstates the chances of unrest, but if you add in a wild card such as rising bread and food prices, the chances increase. While it is not clear how the elites will play out their political scenarios, the autumn is shaping up to be a politically active season.

YOVANOVITCH